



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 129 OF 2003 (OS)**

**IN THE MATTER OF CD**

**JUDGMENT**

The applicant RD has sought for an order authorizing her to adopt the infant, a girl born on 1st September 1990. The infant is the daughter of the applicant's late brother PO and his wife CO both of whom are deceased. The infant's father died on 2nd February 1999 and the mother on 9th October 1996. Since the death of the parents the applicant took the infant together with her sister into her foster care.

The applicants suitability as the adoptive parent has been assessed by the Guardian Ad Litem and the report freeing the infant for adoption was duly filed under Section 156 of the Children's Act 2001. Both reports give favourable recommendations of the applicant. The applicant is related to the infant whom she has fostered since 1999.

The applicant has one biological child of her own, who is attending the same school with the infant herein. The applicant works as a manager with the Central Bank of Kenya for the last 15 years and she earns a reasonable income, own a house with adequate space and provides a secure home for the infant. I have carefully considered the material presented to this court, the evaluation report of the applicant, and all the matters provided for under Part XII of the Children Act 2001. I am satisfied that the order sought herein shall promote the best interest and welfare of the minor.

The minor herein being an orphan has been accepted by a member of her own family. She has been provided with a security of a home, education by a person known to her as the auntie, in my opinion the effort and concern of the applicant is commendable and I have therefore no hesitation to grant the order sought in the application dated 27th November 2003. Accordingly the applicant herein RD is authorized to adopt the infant CD.

**It is so ordered.**

**Judgment read and signed on 12th March 2004.**

**MARTHA KOOME**

**JUDGE**

